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Docket No. 10527US16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Martin, et al.

Serial No. 09/863,722

Filed: May 23, 2001

For: IMPROVED COMPUTER JUKEBOX  
AND JUKEBOX NETWORK

Examiner: Dixon, Thomas A.

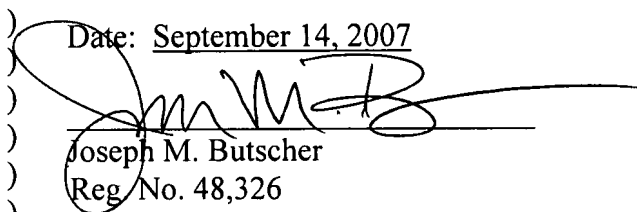
Group Art Unit: 3628

Confirmation No. 2165

CERTIFICATE OF MAILING

I hereby certify that on the date indicated below this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 14, 2007

  
Joseph M. Butscher  
Reg No. 48,326

PETITION UNDER 37 CFR § 1.59

Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 1.59, the Applicants respectfully request that the references listed in the enclosed Supplemental Information Disclosure Statement (IDS) and the May 31, 2007 deposition transcript of Dr. David Neuhoﬀ and the June 13, 2007 deposition transcript of Dr. David Anderson that discuss these confidential documents be expunged if found *not* to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The references enclosed with the concurrently filed IDS include documents that have been designated as "CONFIDENTIAL" and used as exhibits during the depositions of David Neuhoﬀ and David Anderson. The transcripts of the Neuhoﬀ and Anderson depositions were submitted in an August 9, 2007 Supplemental Information Disclosure Statement, along with exhibits that had not been designated as "Confidential".

Upon information and belief, the information to be expunged is subject to a protective order, and that information has not been otherwise made public.

09/19/2007 RFEKADU1 00000038 130017 09863722

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The Petitioner will endeavor to retain such information for the period of any patent with regard to which such information is submitted.

This Petition to expunge is being submitted on behalf of Dr. Neuhoﬀ and Dr. Anderson.

The references are being filed in a sealed envelope labeled as follows:

MATERIAL SUBJECT TO PROTECTIVE ORDER -- NOT  
OPEN TO PUBLIC. TO BE OPENED ONLY BY EXAMINER  
OR OTHER AUTHORIZED U.S. PATENT AND TRADEMARK  
OFFICE EMPLOYEE.

**DO NOT SCAN**

Tribunal Issuing Protective Order: United States District Court for  
the North District of Illinois, Eastern Division

Case No. 1:06-cv-02703

Date of Order: October 25, 2006

Current Status of Proceeding: Pending

In re application of: Martin, et al.

Application No. 09/863,722

Filed: May 23, 2001

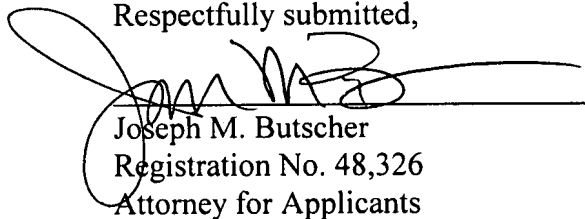
For: IMPROVED COMPUTER JUKEBOX AND JUKEBOX  
NETWORK

Art Unit: 3628

Examiner: Dixon, Thomas A.

Thus, the Applicants respectfully request that the references be expunged if found *not* to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The Commissioner is authorized to charge the fee for this Petition (\$200, pursuant to 37 C.F.R. § 1.17(g)), and any other necessary fees to Deposit Account 13-0017.

Respectfully submitted,



Joseph M. Butscher  
Registration No. 48,326  
Attorney for Applicants

Date: September 14, 2007

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